### **Rulemaking Process Summary**

The process for creating, amending, and rescinding administrative rules is governed by the Administrative Procedures Act, 1969 PA 306, MCL 24.201 to 24.328. (Note this is an overview and does not include all required provisions). Revised April 2019.

R	F	R

- ▲ A department's Regulatory Affairs Officer (RAO) must submit a Request for Rulemaking (RFR) to the MOAHR to begin the rulemaking process.
- ▲ The MOAHR reviews and approves the RFR, and notifies the Joint Committee on Administrative Rules (JCAR).



## **Draft Rules**

lacktriangle Rules are drafted and submitted by the RAO to the MOAHR to review for legal authority.

▲ The MOAHR approves the draft and notifies JCAR. The MOAHR sends the draft to the Legislative Service Bureau (LSB) for informal editing according to format and style requirements.

▲ The department makes the suggested LSB edits to the draft rules and sends to the MOAHR.



# RIS & Public Hearing

- ▲ A Regulatory Impact Statement & Cost-Benefit Analysis (RIS) is prepared by the department and sent to the MOAHR for approval 28 days prior to the public hearing. The MOAHR notifies JCAR.
- ▲ A Notice of Public Hearing is prepared by the department and sent to the MOAHR. The MOAHR notifies JCAR.
- ▲ The Notice is published in 3 newspapers, including 1 in the UP, not less than 10 days but no more than 60 days prior to the hearing.
- ▲ The MOAHR publishes the Notice and draft rules in the *Michigan Register*.
- ▲ The department holds a public hearing for public comment.



### **JCAR Report**

- ▲ The RAO submits the final draft of the rules and the JCAR Report to the MOAHR.
- ▲ The MOAHR submits the final draft to LSB to formally certify the rules.
- ▲ The MOAHR legally certifies the rules and sends the JCAR Report, including the final draft of the rules, certifications, RFR, and RIS to JCAR.



#### JCAR

- ▲ The JCAR Report and rules must be submitted to JCAR within 1 year after the public hearing, or there must be a subsequent public hearing.
- ▲ The JCAR Report summarizes the purpose of the draft rules and any comments made at the public hearing or submitted in writing.
- ▲ The rules must be before JCAR for 15 session days, unless JCAR grants a waiver of the remaining days.
- ▲ During those 15 days, JCAR may object to the rules, but then must introduce legislation within another 15 session days to stop or delay the rules.
- ▲ Rules can be filed by the MOAHR with the Office of the Great Seal after 15 session days expire or after JCAR has waived the 15 session day requirement.



# Filing with Office of the Great Seal

- ▲ The department director confirms the intent to adopt the rules by submitting a Certificate of Adoption to the MOAHR.
- ▲ The MOAHR files the final rules with the Office of the Great Seal.
- ▲ The rules may become effective immediately upon filing, or at a later date specified by the department in the rules.
- ▲ On the effective date, the MOAHR amends the Michigan Administrative Code to reflect the new language of the rules.